ONTARIO LABOUR RELATIONS BOARD
ANNUAL REPORT
2008-2009

June 2009
Chair – Kevin Whitaker

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Chair's Message 2008-2009

Founded in 1943, the Ontario Labour Relations Board is the largest labour and employment tribunal in Canada. Widely regarded as the premier administrative tribunal in Ontario, the Board administers over twenty different pieces of legislation and has a current caseload of approximately 6000 files.

The Board issues about 6500 decisions a year and settles close to 90 per cent of all applications filed. The median time between the filing of an application and a final decision or settlement is 46 days.

As an independent administrative tribunal the Board exercises authority and jurisdiction over a wide range of different types of workplace disputes. Regardless of what statute we are working under, the Board's first priority is to assist the workplace parties in the expeditious, practical and effective resolution of their dispute. We strongly believe that the best outcome is a negotiated settlement that the parties construct themselves, which enables them to quickly get back to the business of their own workplace.

Besides its own unique role and identity, the Board anchors a larger cluster of tribunals, dealing with different aspects of workplace law and adjudication.

In the late nineties, the Board merged with the Office of Adjudication and acquired responsibility for appeals under the *Employment Standards Act* and the *Occupational Health and Safety Act.* The Pay Equity Hearings Tribunal now chaired by the Board's

Alternate Chair, is housed physically within the Board and uses the Board's administrative, professional and support staff. The Colleges Relations Commission and the Education Relations Commissions are similarly operated from within the Board with members and administrative staff cross-appointed to both. Board Vice-Chairs are cross-appointed to the Human Rights Tribunal of Ontario and the Board shares certain administrative services and physical space with the Workplace Safety and Insurance Appeals Tribunal. The Board's Registrar/Director is also the Registrar Director of the Pay Equity Hearings Tribunal and the Education and Colleges Relations Commissions.

Increasingly, the model of clustering tribunals that provide similar adjudicative services in the same sectors is being transported to other areas of adjudication in Ontario and in other provinces. The benefits of clustering tribunals include an efficient use of resources, consistency of process and outcome and the ability to maintain and monitor quality control practices across a wide range of subject matter. These objectives are accomplished while at the same time safeguarding the particular and unique expertise of each agency or tribunal.

This exercise of clustering tribunals that work in related areas is regarded as an appropriate method of balancing independence with the need to ensure that scarce public resources are put to best use. The Board is understood to be a leader in the development of the cluster model and is regularly consulted for advice and assistance with other clustering projects both within and outside Ontario.

The Board has also developed a nationally recognized expertise in the development of alternative and expedited adjudicative processes. Tribunals in other sectors and provinces have increasingly adopted the "consultation" process pioneered by the Board over the last twelve years. In a number of cases now, the Courts have commented

favorably on the Board's ability to use the consultation process to achieve expeditious and cost effective, fair adjudicative outcomes.

The Board continually looks for new ways to speak with, listen to and interact with its community of users. In the last year, the Board has introduced a number of changes and amendments to its Rules and forms in response to suggestions originating from the Board's Community Advisory Committee.

This last year, as throughout the Board's history, our successes come directly from the expertise and dedication that our staff brings to their jobs, every day of the year. All of us remain committed to provide the highest quality of dispute resolution to our extended user communities.

We look forward to another year of service to the public and as always, we welcome your comments, suggestions and inquiries.

Kevin Whitaker
Chair:
Ontario Labour Relations Board
Colleges Relations Commission
Education Relations Commission

OLRB Annual Report 2008-2009

Ontario

Accountability Statement

The OLRB's Annual Report for the fiscal year ending March 31, 2008 was prepared under my direction for submission to the Minister of Labour in accordance with the ***Agency Establishment and Accountability Directive – February 2000***, as issued by Management Board of Cabinet .

Preface

The Public Accounts of Ontario are the annual financial statements that are prepared in compliance with the requirements of Section 13 of the *Ministry of Treasury and Economics Act*. The Public Accounts consist of the financial report of the Government of Ontario and the financial reports of each ministry. In accordance with the Ministry of Labour's Delegation of Financial Authority Framework, financial authority is delegated to the agency. Each year the OLRB verifies that all its transactions are reflected accurately and completely in the Public Accounts through the execution of a Certificate of Assurance.

The Results Based Plan of the Ministry of the Labour, which is to be released in the fall of each year, contains the Ministry's mission and accountability statements, the consolidated financial/allocation statements of the Ministry and an annual comparison of actual performance results to desired results set out in the Ministry business plan.

As an agency of the Ministry of Labour, the OLRB's Annual Report is subject to the minimum reporting requirements established in the ***Agency Establishment and Accountability Directive***, including:

- financial statements that have been audited or subject to the appropriate level of external assurance;
- analysis of operational performance;
- analysis of financial performance;
- names of appointees and term of appointments
- performance measures, targets achieved/not achieved and action to be taken.

This report covers the fiscal year April 1, 2008 to March 31, 2009.

I Organizational Overview

- Key Program Activities, Legislative Authority, Mandate
- OICs and Staff

OLRB – Key Program Activities

Today, the OLRB exercises authority under a broad spectrum of some twenty different workplace and employment related laws. In addition to those areas of law for which we are formally responsible, we provide senior administrative and institutional support for our cluster of workplace related agencies: the Pay Equity Hearings Tribunal, the Colleges Relations Commission and the Education Relations Commission. Moreover, the "clustering" of Tribunals across the administrative justice sector is led by the OLRB and represents the most efficient public model example to date of how to improve the quality of administrative justice and dispute resolution through modern, streamlined and efficient administration.

The Board is an independent tribunal mandated to handle a variety of different applications, under a number of different pieces of legislation, including:

- *Colleges Collective Bargaining Act*, R.S.O. 1990, c. C.15
- *Community Small Business Investment Funds Act*, S.O 1992, c.18.
- *Crown Employees Collective Bargaining Act*, 1993, S.O. 1993, c. 38
- *Education Act*, R.S.O. 1990, c. E.2
- *Employment Standards Act*, R.S.O. 1990, c.E.14
- *Environmental Bill of Rights Act*, 1993, S.O. 1993, c. 28
- *Environmental Protection Act*, R.S.O. 1990, c. E.19 which gives the Board jurisdiction under the following legislation:
  - * *Environmental Assessment Act*, R.S.O. 1990, c. E.18
  - * *Environmental Protection Act*, R.S.O. 1990, c. E.19
  - * *Ontario Water Resources Act*, R.S.O. 1990, c. O.40
  - * *Pesticides Act*, R.S.O. 1990, c. P.11
  - * *Fisheries Act*, R.S.C. 1970, c. F-14
- *Fire Protection and Prevention Act, 1997*, S.O. 1997, c.4
- *Hospital Labour Disputes Arbitration Act*, R.S.O. 1990, c. H.14
- *Labour Relations Act, 1995*, S.O. 1995, c. 1, Sch. A
- *Occupational Health and Safety Act*, R.S.O. 1990, c. O.7
- *Public Sector Labour Relations Transition Act*, 1997, S.O. 1997, c. 21
- *Public Service of Ontario Act*, R.S.O. 2006, c. P.47
- *Smoke Free Ontario Act (unlawful reprisals)*, Regulation 48/06

The Ontario Labour Relations Board (the "Board") was established by section 2 of the *Labour Relations Act, 1948* (the "Act") and is continued by subsection 110(1) of the *Labour Relations Act, 1995* S.O. 1995, C1, as amended. The Board is an adjudicative agency of the Government of Ontario and its staff is appointed under the *Public Service of Ontario Act*.

The Board is an independent, adjudicative tribunal issuing decisions based upon the evidence presented and submissions made to it by the parties, and upon its interpretation and determination of the relevant legislation and jurisprudence. It

plays a fundamental role in the labour relations regime in Ontario and encourages harmonious relations between employers, employees and trade unions by dealing with matters before it as expeditiously and as fairly as reasonably possible.

The Board's primary work is administering the *Labour Relations Act, 1995*, which regulates many aspects of collective bargaining in Ontario. The legislative policy underlying the Act is set out in section 2:

2. The following are the purposes of the Act:

1. To facilitate collective bargaining between employers and trade unions that are the freely designated representatives of the employees.

2. To recognize the importance of workplace parties adapting to change.

3. To promote flexibility, productivity and employee involvement in the workplace.

4. To encourage communication between employers and employees in the workplace.

5. To recognize the importance of economic growth as the foundation for mutually beneficial relations amongst employers, employees and trade unions.

6. To encourage co-operative participation of employers and trade unions in resolving workplace issues.

7. To promote the expeditious resolution of workplace disputes.

With this policy as a basis, the Act confers on the Board the authority over many important aspects of labour relations, including the certification of unions to represent employees, unfair labour practices, successor bargaining rights, strikes and lock-outs, first contract directions, jurisdictional disputes and the arbitration of grievances in the construction industry. In order to carry out this mandate, the full Board is composed of a Chair, an Alternate Chair, Vice-Chairs, and Board Members. These individuals draw upon specialized expertise in labour relations in hearing and determining cases before them. The Board strives to keep its procedures informal, expeditious and fair, and to avoid being overly technical or legalistic. However, it is important to recognize that legal rights are in issue, the statutory framework is often complex, and, these days, it is common for parties to be represented by lawyers.

Under section 114(1) of the *Labour Relations Act, 1995*, the Board has the exclusive jurisdiction to exercise the power conferred upon it and to determine all questions of fact or law that arise. Its decisions are not subject to appeal and a privative clause in the Act limits the scope of judicial review. The Board does have the power to reconsider any of its decisions, although it exercises this jurisdiction carefully in the interests of finality and fairness. The Board is also entitled to determine its own practices and procedures and to make rules. Those rules and the forms for commencing or responding to cases are available on the OLRB's website www.gov.on.ca/lab/olrb/eng/homeeng.htm or, directly, from the Board at 505 University Avenue, 2nd Floor, Toronto, Ontario, M5G 2P1, in both paper form and computer disk.

Order in Council (OIC) Appointments:

ADJUDICATORS	PERIOD	ORIGINAL APPT.
CHAIR		
Kevin Whitaker	Sep 20/07 – Sep 19/12	Sep 20/01-C; Mar 22/95-VC; PT June 24/98-Dec 22/99
ALTERNATE CHAIR		
Diane L. Gee	Aug 1/08 – July 31/13	August 1, 2008
VICE-CHAIRS (Full Time) - 16		
Ian B. Anderson	Mar 24/07 – Mar 23/12	March 24, 2004
Harry Freedman	July 08/07 – July 07/12	July 8, 1998
Patrick M. Kelly	May 18/08 – May 17/13	May 17, 1999
John Lewis	Mar 11/09 – Mar 10/11	March 11, 2009
Mark Lewis	Sep 27/06 – Sep 26/09	September 27, 2006
David A. McKee	Apr 30/08 – Apr 29/13	April 29, 1999
Mary Anne McKellar	Jan 24/07 – Jan 23/12	January 24, 2001
Brian C. McLean	July 08/07 – July 07/12	July 8, 1998
Caroline Rowan	May 07/08 – May 06/13	May 6, 1999
Christine Schmidt	Dec 10/08 - Dec 09/10	December 10, 2008
Susan J. Serena	May 28/09– May 27/14	May 28, 2003
Ronald Shouldice	May 30/09 – May 29/12	May 30, 2007
Marilyn Silverman	Apr 30/08 – Apr 29/13	April 29, 1999
Jack J. Slaughter	Feb 03/09 – Feb 02/14	February 3, 2003
Tanja Wacyk	May 28/09 – May 27/14	May 28, 2003
Kelly A. Waddingham	Jan 01/08 – Dec 31/12	PT April 7 – Dec. 31, 2004 FT Jan 1, 2005
VICE-CHAIRS (Part Time) - 7		
Christopher J. Albertyn	Sep 01/07 – Aug 30/12	PT Oct 7/94 - Mar 8/95; FT Mar 9/95 - Aug. 31/04; PT09/04
Peter F. Chauvin	Oct 1/07 – Mar 23/12	FT Mar 24/04 - Sep 30/07 PT Oct 1/07
Mary Ellen Cummings	Aug 1/08 - July 31/13	PT Aug 1/08 ALT Jan 1/99 – Jul 31/08 VC Aug 13/97 – Dec 31/98
Norman Jesin	Aug 25/07 – Aug 24/12	PT August 25, 2004
Lyle Kanee	Feb 25/09 – Feb 24/11	PT Feb 25/09
Corinne F. Murray	Feb 03/09 – Feb 02/14	FT Feb 3/03 – Feb 2/09 PT Feb 3/09
Timothy W. Sargeant	June 30/07 – June 29/12	FT Feb 28/96 – June 30/07 PT June 30/07

BOARD MEMBERS	PERIOD	ORIGINAL APPT.
EMPLOYERS – Full Time - 5		
R. D. Paul LeMay	Dec 15/08 – Dec 14/13	December 15, 2005
Richard J. O'Connor	Nov 06/08 – Nov 05/13	November 6, 2002
Barry K. Roberts	May 16/09 - May 15/12	May 16, 2007
Judith A. Rundle	July 17/07 – July 16/12	July 17, 1986
John A. Tomlinson	Nov 06/08 – Nov 05/13	November 6, 2002
EMPLOYEES – Full Time - 5		
Richard A. Baxter	Apr 03/09 – Apr 02/14	April 3, 2006
Alan Haward	Mar 25/07 – Mar 24/12	March 25, 1998
Shannon R. B. McManus	Dec 15/08 – Dec. 14/13	December 15, 2005
David A. Patterson	Apr 02/07 – Apr 01/12	April 2, 1986
Carol Phillips	Jan 14/09 – Jan 13/11	January 14, 2009

Board Staff and Key Activities

The OLRB's operations and staff can be broadly divided into: The Board, Administration, Field Services (mediation), and Legal Services. The administrative, field, and legal staff are civil service appointments. The Board is composed of a Chair, an Alternate Chair, Vice-Chairs and Board Members. The Chair, Alternate Chair, Vice-Chairs and Board Members are appointed by the Lieutenant Governor in Council as Order in Council appointments (OIC).

ADMINISTRATION:

Office of the Director and Registrar

The Director and Registrar is the chief administrative officer of the Board. He is responsible for the overall administration of the Board's businesses: operations, mediation and adjudication. The Director and Registrar oversees the effective processing and scheduling of each case, and communicates with the parties in matters relating to the mediation of cases, scheduling of hearings or on particular problems in the processing of any given case. Every application received by the Board enters the system through the Director and Registrar's office.

Manager of Administration

The Manager of Administration is responsible for the efficient operation of the Board through the effective and efficient coordination of the procurement and budget functions, human resources functions, client services, Information and Information Technology, and the provision of administrative direction for all shared/common services.

Library Services

Comprised of the former Ontario Labour Relations Board Library, the Workplace Safety and Insurance Appeals Tribunal Library and the Pay Equity Commission Library, the Ontario Workplace Tribunals Library is situated in the Board offices at 505 University Avenue, Toronto on the 7th floor.

Library holdings related to the OLRB include all reported OLRB decisions from 1944 to date, all judicial reviews of OLRB decisions from 1947 to date, all bargaining unit certificates issued by the OLRB from 1962 forward. In addition, the Library has a collection of all Employment Standards review decisions from 1970 to date and all Occupational Health and Safety appeal decisions from 1980 to date. Textbooks, journals and case reports in the areas of labour, administrative and constitutional law are also held.

Field Services: (Mediation)

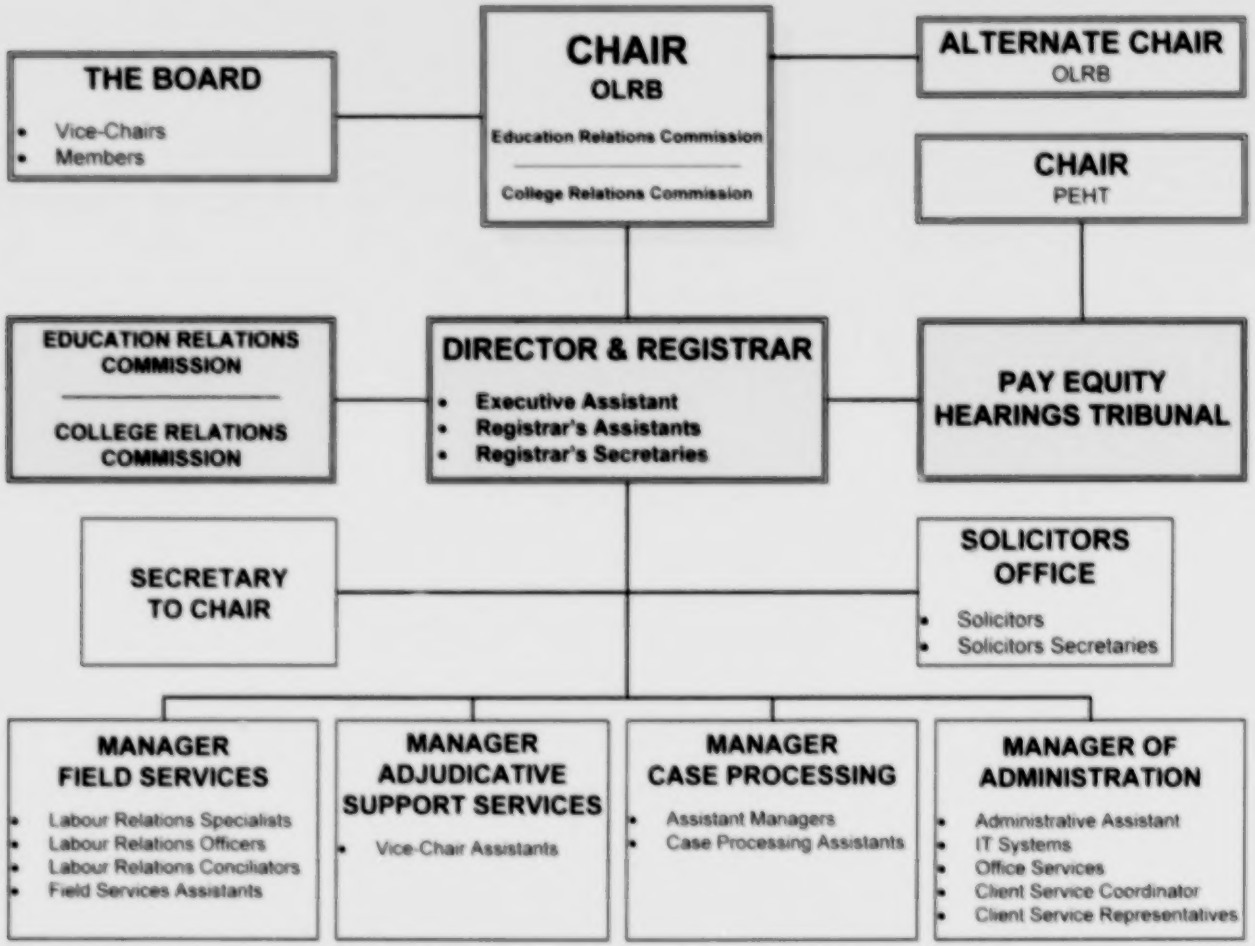
The Board is a pioneer in the area of alternative dispute resolution. The Manager of Field Services, Labour Relations Specialists, and Labour Relations Officers, are responsible for mediating settlements in all of the Board's cases. In addition to settling cases, Labour Relations Officers assist parties in identifying issues and streamlining the cases that do get adjudicated in order to avoid unnecessary litigation. They also, along with the Board's Conciliation Officers, carry out the Board's pre and post vote phone mediation program and conduct representation and final offer votes.

Legal Services:

Legal Services to the Board are provided by the Solicitors' Office, which consists of two Board Solicitors. The Solicitors provide legal research, advice, opinions and memoranda to the Chair, Vice-Chairs, Board Members, Labour Relations Officers and administrative staff. They are extensively involved in changes to the Board's rules of procedure and forms and contribute to the continuing education of staff. The Board's Solicitors also represent the Board in court proceedings, including applications for judicial review.

ONTARIO LABOUR RELATIONS BOARD

Labour and Employment Cluster



June 2009

II Executive Summary – Overview of Results

Operational Performance:
- Caseload analysis
- Caseload and statistical tables

OLRB - Operational Performance:

CASELOAD ANALYSIS, CASE MANAGEMENT EFFICIENCIES and STATISTICAL TABLES/GRAPHS 2008-2009

Caseload Analysis

In fiscal year 2008-2009, the Board had a total caseload of 5,656 applications, appeals and complaints, a decrease of -6% from 2007-2008.

The Board received 3,782 new cases and 1,874 cases were carried over from the previous year. Of the total caseload, 4,097 were disposed of during the year and 1,566 were pending in various stages of processing/mediation/adjudication on March 31, 2009.

Note: The section numbers referred to below correspond to the Labour Relations Act, 1995, S.O. 1995, c.1, Schedule A ("Bill 7").

Labour Relations Officer Activity

Labour Relations Specialists and Officers are the Board's professional mediators. They are assigned to every Board case in an effort to facilitate settlements in matters brought before the Board, without the need for formal litigation before the Board itself. **(Table 3)**

Of those cases in which activity was completed and cases disposed by the end of the year, 84.9% of these cases were settled with the assistance of Labour Relations Officers. Officers referred 610 cases to the Board for decisions or proceedings; and settlement efforts were continuing in 1,381 cases on March 31, 2009.

Vice-Chair/Adjudicator Decisions

Vice-Chairs wrote 6,678 **decisions** covering 4,761 cases between April 1, 2008 and March 31, 2009.

Disposition Time – Major Categories

Table 6 provides statistics on the time taken by the Board to process the 2,981 cases disposed of in 2008-2009, excluding cases in which proceedings were adjourned sine die. Information is shown separately for the three major categories of cases handled by the Board – Certification applications, complaints of Contravention of the Act, and Referrals of Grievances under Construction Industry Collective Agreements – and for the remaining categories combined.

Overall median times to proceed from filing to disposition for the 2,981 cases **was 38 days**. **Median times for the three major categories of cases:** 645 certification applications were processed in a median of 18 days; 594 complaints of contravention of the Act took 74 days; 407 referrals of construction industry grievances required 12 days, and the remaining 1,335, for all other categories combined, took 67 days.

Certification of Bargaining Agents

In 2008-2009, the Board received 742 applications for certification of trade unions as bargaining agents of employees, a decrease of 6.3% from 2007-2008. (Table 1)

In addition to the 742 applications received, 257 cases were carried over from last year, making a total certification caseload of 999 in 2008-2009. Of the total caseload, 748 were disposed of and 251 cases were pending on March 31, 2009. Of the 748 dispositions, certification was granted in 396 cases; 136 cases were dismissed; 2 cases were terminated; and 214 cases were settled. The certified cases represented 47.6% of the total dispositions. **(Table 1)**

Of the 532 applications that were either certified or dismissed, final decisions in a number of cases were based on the results of representation votes. Of the 370 votes conducted, 332 involved a single union on the ballot, 36 were between two unions, and 2 were between three unions. Applicants won in 238 of the votes and lost in the other 132. (Table 5)

A total of 25,102 employees were eligible to vote in the 370 elections, of whom 19,208 or 76.5% cast ballots. In the 206 votes that were won and resulted in certification, 17,822 or 75.9% of the 23,487 employees eligible to vote cast ballots. Of these voters, 9,488 or 53.2% favored union representation. In the 117 elections that were lost and resulted in dismissals, 14,064 employees participated, and, of these, 4,486 or 31.9% voted for union representation. **(Table 5)**

Eight unions, each with more than 25 applications, accounted for 70.2% of the total filings: Labourers (206), Carpenters (92), Canadian Auto Workers (29), Canadian Union of Public Employees (CUPE) (52), Teamsters (34), Painters (32), Food and Commercial Workers (40), and Electrical Workers (IBEW) (36). In contrast, twelve unions filed fewer than five applications each. These unions together accounted for 3.2% of the total certification filings. **(Table 7)**

Table 8 gives the industrial distribution of the certification applications received and disposed of during the year. Non-manufacturing industries accounted for 97.4% of the applications received, concentrated in construction (364) and other services (237). These two groups comprised 83.1% of the total non-manufacturing applications. The 19 applications involving establishments in manufacturing industries comprised 2.6% of the new applications

Size and Composition of Bargaining Units

Small units continued to be the predominant pattern of union organizing efforts through the certification process in 2008-2009. The average size of the 395 bargaining units in the 390 applications that were certified was 26 employees, compared with 27 employees in 2007-2008. The 203 units in construction certifications averaged 8 employees, and the 187 units in non-construction certifications averaged 46 employees. 84.6% of the total certification applications involved units of fewer than 40 employees, and 54.6% applied to units of fewer than ten employees. The total number of employees covered by the certification applications granted decreased to 10,315 from 11,158 in 2007-2008. **(Table 9)**

Of the employees covered by the certification applications granted, 61, or 0.6%, were in bargaining units that comprised full-time employees or in units that excluded employees working 24 hours or less a week. Units composed of employees working 24 hours or less a week accounted for 71 employees. Full-time and part-time employees were represented in units covering 41 employees, including units that did not specifically exclude employees working 24 hours or less a week. **(Tables 11 and 12)**

Twenty-one (21) percent of the employees, or 2,171 were employed in production and related occupations. **(Tables 13 and 14)**

Disposition Time – Certifications Granted

A median time of 16 working days were required to complete the 396 certification applications granted from receipt to disposition. For non-construction certification, the median time was 18 days for 189 cases; and for construction certification, the median time was 10 days for 207 cases. **(Table 10)**

Eighty-eight point six (88.6) percent of the 396 certification applications granted were disposed of in 84 days (3 months) or less. **(Table 10)**

Termination of Bargaining Rights

In 2008-2009, the Board received 115 applications under sections 63, 65, 66, 67, and 132 of the Act, seeking termination of the bargaining rights of trade unions. In addition, 31 cases were carried over from 2007-2008. **(Table 1)**

Of the 146 cases processed, bargaining rights were terminated in 8 cases, 48 cases were dismissed, 25 cases were settled and 21 cases were pending on March 31, 2009.

47 representation votes were held on 92 cases that were either granted or dismissed. A total of 1,615 employees were eligible to vote in the 47 elections that were held, of whom 1,386 or 85.8% cast ballots. Of those who cast ballots, 173 voted for continued representation by unions and 317 voted against. **(Table 5)**

Representation Votes

In 2008-2009, the Board's Labour Relations Officers and Conciliators conducted a total of 394 representation votes among employees in one or more bargaining units. Of the 394 votes conducted, 346 involved certification applications, and 48 were held in applications for termination of existing bargaining rights. **(Table 4)**

Of the certification votes, 310 involved a single union on the ballot, and 34 involved two unions.

A total of 26,739 employees were eligible to vote in the 394 elections that were conducted, of whom 20,579 or 80% cast ballots. Of those who participated, 50% voted in favour of union representation. In the 346 elections in certification applications, 76.4% of the eligible voters cast ballots, with 51.2% of the participants voting for union representation.

In the 48 votes in applications for termination of bargaining rights, 85.5% of the eligible voters cast ballots, with only 32.6% of those who participated voting for the incumbent unions.

Final Offer Votes

In addition to taking votes ordered in its cases, the Board's Registrar was requested by the Minister to conduct votes among employees on employers' last offer for settlement of a collective agreement dispute under section 42(1) of the Act. Although the Board is not responsible for the administration of votes under that section, the Board's Registrar and field staff are assigned to conduct these votes because of their expertise and experience in conducting representation votes under the Act.

Of the 16 requests dealt with by the Board during the fiscal year, 5 cases were granted, 7 cases were dismissed, 2 cases were settled, 1 terminated, and the remaining 1 case was pending on March 31, 2009. **(Table 1)**

In the 12 votes held, employees accepted the employer's offer in 5 cases and rejected the offer in 7 cases.

Declaration of Successor Trade Union

In 2008-2009, the Board dealt with 5 applications for declarations under section 68 of the Act concerning the bargaining rights of successor trade unions resulting from a union merger or transfer of jurisdiction. Affirmative declarations were issued by the Board in 1 case.
(Table 1)

Declaration of Successor or Common Employer Status

In 2008-2009, the Board dealt with 309 applications for declarations under section 69 of the Act concerning the bargaining rights of trade unions of a successor employer resulting from a business sale, or for declarations under section 1(4) to treat two companies as one employer. The two types of requests are often made in a single application.

Affirmative declarations were issued by the Board in 29 cases, 13 applications were dismissed, 137 cases were settled and 130 cases were pending on March 31, 2009. **(Table 1)**

Declaration/Direction of Unlawful Strike

In 2008-2009, the Board dealt with 17 applications seeking a declaration under section 100 regarding an alleged unlawful strike by employees in the non-construction industry. Thirteen cases were settled, and one case was granted. 3 cases were pending on March 31, 2009. **(Table 1)**

Consent to Prosecute

In 2008-2009, the Board dealt with 5 applications under section 109 of the Act requesting consent to institute prosecution in court against unions and employers for alleged commission of offences under the Act. Two cases were settled, and the 3 remaining cases were pending on March 31, 2009. **(Table 1)**

Complaints of Contravention of Act

Complaints alleging contravention of the Act may be filed with the Board under section 96 of the Act. In handling these cases the Board emphasizes settlements facilitated by its labour relations officers.

In 2008-2009, the Board received 705 complaints under this section. In complaints against employers, the principal charges were alleged illegal discharge of or discrimination against employees for union activity in violation of section 70 and 72 of the Act, illegal changes in wages and working conditions contrary to section 86, and failure to bargain in good faith under section 17. These charges were made mostly in connection with applications for certification. The principal charge against trade unions was alleged failure to represent employees fairly in grievances against their employer.

In addition to the complaints received, 487 cases were carried over from 2007-2008. Of the 1,192 cases processed, 598 were settled, and 400 cases were pending on March 31, 2009. **(Table 1)**

In 792, or 66.4%, of the 1,192 dispositions, settlements and withdrawals of the complaint were secured by labour relations officers **(Table 3)**. Remedial orders were issued by the Board in 26 cases, 157 cases were dismissed, and 11 cases were terminated. **(Table 1)**

Construction Industry Grievances

Grievances over alleged violation of the provisions of a collective agreement in the construction industry may be referred to the Board for resolution under section 133 of the Act. As with complaints of contravention of the Act, the Board encourages settlement of these cases by the parties involved, with the assistance of a Labour Relations Officer.

In 2008-2009, the Board received 936 cases under this section. The principal issues in these grievances were alleged failure by employers to make required contributions to health and welfare, pension and vacation funds, failure to deduct union dues, and alleged violation of the subcontracting and hiring arrangements in the collective agreement.

In addition to the cases received, 195 were carried over from 2007-2008. Of the total 1,131 processed, 972 were disposed of; of these, awards were made by the Board in 172 cases, 7 cases were dismissed, and 159 cases were pending on March 31, 2009. **(Table 1)**

In 972, or 85.9% of the 1,131 dispositions, settlements and withdrawal of the grievance were obtained by labour relations officers. **(Table 3)**

MISCELLANEOUS APPLICATIONS AND COMPLAINTS

Religious Exemption – Exemption from Union Security Provision in Collective Agreement

Five applications were processed under section 52 of the Act, seeking exemption for employees from the union security provisions of collective agreements because of their religious beliefs. Three applications were settled, and one was dismissed. **(Table 1)**

Early Termination of Collective Agreements

Eighty applications were processed under section 58(3) of the Act, seeking early termination of collective agreements. Consent was granted in seventy-five cases. One case was terminated, and one case was pending on March 31, 2009. **(Table 1)**

Jurisdictional Disputes

One-hundred and forty complaints were dealt with under section 99 of the Act involving union work jurisdiction. An assignment of work in dispute was made by the Board in 5 cases, 34 cases were settled, 6 cases were dismissed, and 93 cases were pending on March 31, 2009. **(Table 1)**

Referral on Employee Status

The Board dealt with 28 applications under section 114(2) of the Act, seeking decisions on the status of individuals as employees under the Act. Seven cases were settled by the parties in discussions with labour relations officers. Two cases were dismissed, and the remaining 19 cases were pending on March 31, 2009. **(Table 1)**

Referrals by Minister of Labour

In 2008-2009, the Board dealt with 4 cases referred by the Minister under section 115 of the Act for opinions or questions related to the Minister's authority to appoint a conciliation officer under section 18 of the Act, or an arbitrator under sections 48 or 49. One application was granted, two applications were settled, and one case was pending on March 31, 2009. **(Table 1)**

The Board also dealt with 5 cases referred by the Minister under subsection 3(2) of the *Hospital Labour Disputes Arbitration Act*. One application was granted, and four cases were pending on March 31, 2009. **(Table 1)**

First Agreement Arbitration

In 2008-2009, the Board processed 19 applications for directions to settle first agreements by arbitration. Six cases were settled, and thirteen cases were pending on March 31, 2009.
(Table 1)

Occupational Health and Safety Act

In 2008-2009, the Board received 90 complaints under section 50 of the *Occupational Health and Safety Act* alleging wrongful discipline or discharge for acting in compliance with the Act. Sixty-seven cases were carried over from 2007-2008.

Of the total 157 cases processed, 110 cases were disposed of. Of these, 90 cases were settled by the parties in discussions with labour relations officers (**Table 3**). 17 cases were dismissed, 3 cases were granted, and the remaining 47 were pending on March 31, 2009.

Appeals under The Employment Standard Act

The *Employment Standards Act* deals with workplace rights such as minimum wage, hours of work, overtime, vacation or public holiday pay, termination issues, and severance pay.

The Board dealt with 1,108 appeals during 2008-2009. Of the 808 cases that were disposed of, 61 were granted, 147 were dismissed, 531 cases were settled, 69 were terminated, and 300 cases were pending on March 31, 2009. (**Table 1**)

Appeals under The Occupational Health and Safety Act

The *Occupational Health and Safety Act* and its regulations ensure that workers' health and safety in the workplace is protected. Violations of the Act are investigated by health and safety inspectors; orders or decisions of inspectors are the subject of appeals to the Ontario Labour Relations Board.

One hundred and ninety-eight appeals were dealt with by the Board in 2008-2009. Of the 123 cases that were disposed of, 5 appeals were granted, 21 were dismissed, 96 cases were settled, 1 case was terminated, and 75 cases were pending on March 31, 2009. (**Table 1**)

Applications under The Public Sector Labour Relations Transitions Act

The *Public Sector Labour Relations Transition Act, 1997* established a separate regime of successor rights governing matters that arise out of restructuring and amalgamations in the broader public sector. The Act gives the Board the power to determine new bargaining unit configurations, to appoint new bargaining agents, and to address other collective bargaining issues that may arise from municipal amalgamations, school board changes and hospital restructuring.

In 2008-2009, the Board processed 15 applications under *the Public Sector Labour Relations Transition Act, 1997*. Of the 12 cases that were disposed of, 4 cases were granted, 8 cases were settled and 3 cases were pending on March 31, 2009. (**Table 1**)

COURT ACTIVITY 2008-2009

On April 1, 2008, there were sixteen Board matters pending before the Courts, thirteen at Divisional Court, one motion for leave at the Court of Appeal (*Novaquest*), one appeal on the merits at the Court of Appeal (*Maystar*), and one motion for leave at the Supreme Court of Canada (*Mississaugas of Scugog Island*). In addition, the Board was named in one Statement of Claim.

During the 2008-2009 fiscal year, there were twenty-one new applications for judicial review of Board decisions filed with the Divisional Court. There were two new applications for leave to the Court of Appeal (*Jacobs #1* and *Khan*), and two new appeals on the merits after leave was granted (*Novaquest* and *Jacobs#1*). No new applications for leave were filed with the Supreme Court of Canada.

The Divisional Court dismissed twelve applications for judicial review. Three applications were abandoned or withdrawn.

The Ontario Court of Appeal granted two leave applications (*Jacobs #1* and *Novaquest*). One leave application is pending (*Khan*). The Court heard the merits of two appeals: one was dismissed for mootness (*Maystar)*; the second (*Novaquest*) was heard and remained under reserve at March 31, 2009).

The Supreme Court of Canada dismissed one leave application (*Mississaugas of Scugog Island*).

The Statement of Claim naming the Board as a Defendant was dismissed.

On March 31, 2009, there were twenty-two outstanding court applications: nineteen applications for judicial review at Divisional Court, one motion for leave (*Khan*) and two appeals on the merits at the Court of Appeal (*Novaquest* on reserve, and *Jacobs #1*).

COURT ACTIVITY 2008-2009

	Outstanding April 1, 2008	Received	Disposed Of Total	Granted	Dismissed	Abandoned	Pending March 31, 2009
Divisional Court (Merits)	13	21	15	0	12	3	19
Ontario Court of Appeal (Seeking Leave)	1	2	2	2	0	0	1
Ontario Court of Appeal (Merits)	1	2	1	0	1	0	2
Supreme Court of Canada (Seeking Leave)	1	0	1	0	1	0	0
Supreme Court of Canada (Merits)	0	0	0	0	0	0	0

In addition

The Statement of Claim filed against the Board in 2007-2008 was dismissed.

Table 1

Total Applications and Complaints Received, Disposed of and Pending

Fiscal Year 2008-09

Type of Case	Caseload			Disposed of Fiscal Year 2008-09					Pending March 31, 2009
	Total	Pending April 1, 2008	Received Fiscal Year 2008-09	Total	Granted*	Dismissed	Terminated	Settled Withdrawn/ Sine Die	
Total	5,656	1,874	3,782	4,097	831	569	102	2,595	1,566
CERTIFICATION OF BARGAINING AGENTS	999	257	742	748	396	136	2	214	251
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	146	31	115	125	44	48	8	25	21
DECLARATION OF SUCCESSOR TRADE UNION	5	4	1	4	1	0	0	3	1
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	309	155	154	179	29	13	0	137	130
ACCREDITATION	4	2	2	1	0	0	0	1	3
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	17	5	12	14	1	0	0	13	3
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	4	2	2	4	1	0	0	3	0
CONSENT TO PROSECUTE	5	3	2	2	0	0	0	2	3
CONTRAVENTION OF ACT	1,192	487	705	792	26	157	11	598	400
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	5	0	5	4	0	1	0	3	1
EARLY TERMINATION OF COLLECTIVE AGREEMENT	80	2	78	79	75	0	1	3	1
TRADE UNION FINANCIAL STATEMENT	3	0	3	1	0	0	0	1	2
JURISDICTIONAL DISPUTE	140	47	93	47	5	6	2	34	93
REFERRAL ON EMPLOYEE STATUS	28	20	8	9	0	2	0	7	19
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR ARBITRATOR OR UNDER HLDAA	9	0	9	4	2	0	0	2	5
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,131	195	936	972	172	7	0	793	159
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	157	67	90	110	3	17	0	90	47
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	2	2	0	1	0	1	0	0	1
COMPLAINT UNDER THE SMOKING IN THE WORKPLACE ACT	1	0	1	1	0	0	0	1	0
FIRST AGREEMENT ARBITRATION DIRECTION	19	10	9	6	0	0	0	6	13
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	8	5	3	3	0	0	0	3	5
FINAL OFFER VOTE**	16	1	15	15	5	7	1	2	1
EMPLOYMENT STANDARDS ACT (APPEAL)	1,108	468	640	808	61	147	69	531	300
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	198	81	117	123	5	21	1	96	75
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT, 1997	15	3	12	12	4	0	0	8	3
PROJECT AGREEMENT APPLICATION	2	1	1	1	0	0	0	1	1
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	4	1	3	4	1	0	0	3	0
OTHER CASE TYPES	49	25	24	28	0	6	7	15	28

* Includes cases in which a request was granted or a determination made by the Board.

** For final Offer Votes, "Granted" indicates that the offer was accepted and "Dismissed" indicates a rejection.

Table 2

Applications and Complaints Received and Disposed of
Fiscal Years 2004-05 to 2008-09

Type of Case	Number Received, Fiscal Year						Number Disposed of, Fiscal Year					
	Total	2004-05	2005-06	2006-07	2007-08	2008-09	Total	2004-05	2005-06	2006-07	2007-08	2008-09
Total	20,767	4,568	4,297	4,192	3,928	3,782	16,479	3,697	3,440	3,077	3,282	2,983
CERTIFICATION OF BARGAINING AGENTS	3,720	759	631	799	789	742	3,399	781	598	643	732	645
DECLARATION OF TERMINATION OF BARGAINING RIGHTS	568	132	95	110	116	115	550	133	95	80	128	114
DECLARATION OF SUCCESSOR TRADE UNION	159	123	28	6	1	1	155	70	69	13	2	1
DECLARATION OF SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	749	144	163	161	127	154	519	90	114	94	106	115
ACCREDITATION	11	0	3	2	4	2	9	1	1	3	3	1
DECLARATION AND DIRECTION OF UNLAWFUL STRIKE	66	21	11	9	13	12	34	11	6	6	4	7
DECLARATION AND DIRECTION OF UNLAWFUL LOCKOUT	8	0	4	0	2	2	5	0	3	0	0	2
CONSENT TO PROSECUTE	17	5	2	3	5	2	14	5	3	3	3	0
CONTRAVENTION OF ACT	4,138	913	953	848	719	705	3,382	752	721	659	653	597
EXEMPTION FROM UNION SECURITY PROVISION IN COLLECTIVE AGREEMENT	11	2	0	1	3	5	8	1	1	1	1	4
EARLY TERMINATION OF COLLECTIVE AGREEMENT	114	7	10	9	10	78	113	6	11	9	8	79
TRADE UNION FINANCIAL STATEMENT	12	3	3	3	0	3	7	4	2	1	0	0
JURISDICTIONAL DISPUTE	293	43	51	54	52	93	147	20	33	26	40	28
REFERRAL ON EMPLOYEE STATUS	78	26	14	16	14	8	46	12	11	10	5	8
REFERRAL FROM MINISTER ON APPOINTMENT OF CONCILIATION OFFICER OR	48	7	11	15	6	9	36	6	9	8	9	4
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	4,534	946	888	855	909	936	2,133	473	452	402	399	407
REFERRAL FROM MINISTER ON CONSTRUCTION BARGAINING AGENCY	2	0	0	2	0	0	2	0	0	2	0	0
COMPLAINT UNDER OCCUPATIONAL HEALTH AND SAFETY ACT	547	105	124	113	115	90	475	94	103	89	102	87
COMPLAINT UNDER THE ENVIRONMENTAL PROTECTION ACT	7	0	2	3	2	0	8	3	0	3	1	1
FIRST AGREEMENT ARBITRATION DIRECTION	2	0	0	0	1	1	2	0	0	0	1	1
DETERMINATION OF SECTOR OF CONSTRUCTION WORK	49	6	8	9	17	9	28	2	8	6	8	4
FINAL OFFER VOTE	13	4	3	2	1	3	8	2	1	3	1	1
EMPLOYMENT STANDARDS ACT (APPEALS)	74	19	17	14	9	15	69	20	14	8	13	14
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEAL)	4,705	1,160	1,045	991	869	640	4,720	1,106	1,011	895	940	768
PUBLIC SECTOR LABOUR RELATIONS TRANSITION ACT	687	133	212	124	101	117	507	98	161	92	88	68
PROJECT AGREEMENT APPLICATION	50	0	7	18	13	12	41	2	5	3	23	8
FIRE PROTECTION AND PREVENTION ACT	9	0	0	5	3	1	3	0	0	2	1	0
AMBULANCE SERVICES COLLECTIVE BARGAINING ACT, 2001	18	5	1	5	4	3	16	4	1	4	4	3
OTHER CASE TYPES	78	5	11	15	23	24	43	1	7	12	7	16

Table 3

Labour Relations Officer Activity in Cases Processed *

Fiscal Year 2008-09

Type of Case	Cases in Which Activity Completed Pending April 1, 2008						
	Total Cases Assigned	Total	Number	Percent	Referred to Board	Sine Die	Pending**
Total	5,656	4,097	3,487	85.1	610	2,595	1,566
CERTIFICATION OF BARGAINING AGENTS	999	748	635	84.9	113	214	251
SUCCESSOR EMPLOYER OR COMMON EMPLOYER STATUS	309	179	135	75.4	44	137	130
REFERRAL ON EMPLOYEE STATUS	28	9	9	100.0	0	7	19
CONTRAVENTION OF ACT	1,192	792	676	85.4	116	598	400
REFERRAL OF CONSTRUCTION INDUSTRY GRIEVANCE	1,131	972	879	90.4	93	793	159
COMPLAINT UNDER THE OCCUPATIONAL HEALTH AND SAFETY ACT	157	110	96	87.3	14	90	47
EMPLOYMENT STANDARD ACTS (APPEAL)	1,108	808	632	78.2	176	531	300
OCCUPATIONAL HEALTH AND SAFETY ACT (APPEALS)	198	123	114	92.7	9	96	75
ALL OTHER CASE TYPES	534	356	311	87.4	45	129	185

*Includes all cases assigned to labour relations officers, which may or may not have been disposed of by the end of the year.

**Includes all cases in which the officer activity may or may not be complete but which was not disposed of by the end of the year.

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Table 4

Results of Representation Votes Conducted *

Fiscal Year 2008-09

Type of Case	Number of Votes	Eligible Employees	Ballots Cast	
			Total	In Favour of Unions
Total	394	26,739	20,579	10,275
Certification	346	25,004	19,096	9,792
Construction cases				
One union	21	203	179	37
Two unions	4	91	62	14
Regular cases				
One union	289	16,481	13,519	6,190
Two unions	30	6,127	4,012	2,253
Three unions	2	2,102	1,324	1,298
Termination of Bargaining Rights				
One union	48	1,735	1,483	483

* Refers to all representation votes conducted and the results counted during the fiscal year, regardless of whether or not the case was disposed of during the year.

Table 5

Results of Representation Votes in cases Disposed of *

Fiscal Year 2008-09

	Number of Votes			Eligible Votes			All Ballots Cast			Ballots Cast in Favour of Unions		
					In Votes			In Votes			In Votes	
Type of Case	Total	Appl. Won	Appl. Lost	Total	Won	Lost	Total	Won	Lost	Total	Won	Lost
Total	370	238	132	25,102	10,436	14,666	19,208	8,253	10,955	9,978	5,175	4,803
Certification	323	206	117	23,487	9,423	14,064	17,822	7,402	10,420	9,488	5,002	4,486
Construction cases												
One union	18	5	13	161	31	130	157	31	126	30	13	17
Two unions	12	10	2	218	133	85	215	130	85	99	78	21
Regular cases												
One union	267	179	88	16413	6940	9473	13072	5663	7409	5896	3692	2204
Two unions	24	11	13	4593	1268	3325	3054	916	2138	2165	570	1595
Three Unions	2	1	1	2102	1051	1051	1324	662	662	1298	649	649
Termination												
One union	47	32	15	1,615	1,013	602	1,386	851	535	490	173	317

* Refers to final representation votes conducted in cases disposed of during the fiscal year. This table should not be confused with Table 4 which refers to all representation votes conducted during the year regardless of whether or not the case was disposed of during the year.

Table 6

Time Required to Process Applications and Complaints Disposed of *, by Major Type of Case, Fiscal Year 2008-09

	All Cases		Certification Cases		Contravention of the Act Cases		Construction Industry Grievances Cases		All Other Cases	
Time Taken (No. of Days)	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent	Dispo-sitions	Cumulative Percent
Total	2,981	100.0	645	100.0	594	100.0	407	100.0	1,335	100.0
Under 8 days	365	12.2	147	22.8	17	2.9	120	29.5	81	6.1
8-14 days	435	26.8	125	42.2	46	10.6	138	63.4	126	15.5
15-21 days	274	36.0	96	57.1	43	17.8	36	72.2	99	22.9
22-28 days	198	42.7	42	63.6	40	24.6	25	78.4	91	29.7
29-35 days	121	46.7	33	68.7	28	29.3	12	81.3	48	33.3
36-42 days	118	50.7	18	71.5	29	34.2	14	84.8	57	37.6
43-49 days	102	54.1	13	73.5	26	38.6	8	86.7	55	41.7
50-56 days	101	57.5	15	75.8	22	42.3	7	88.5	57	46.0
57-63 days	78	60.1	20	78.9	19	45.5	3	89.2	36	48.7
64-70 days	70	62.5	10	80.5	15	48.0	3	89.9	42	51.8
71-77 days	56	64.3	3	80.9	22	51.7	4	90.9	27	53.9
78-84 days	51	66.1	10	82.5	14	54.0	2	91.4	25	55.7
85-91 days	61	68.1	4	83.1	15	56.6	1	91.6	41	58.8
92-98 days	43	69.5	2	83.4	15	59.1	2	92.1	24	60.6
99-105 days	57	71.5	3	83.9	20	62.5	1	92.4	33	63.1
106-126 days	115	75.3	5	84.7	32	67.8	3	93.1	75	68.7
127-147 days	106	78.9	14	86.8	26	72.2	5	94.3	61	73.3
148-168 days	73	81.3	9	88.2	22	75.9	1	94.6	41	76.3
Over 168 days	557	100.0	76	100.0	143	100.0	22	100.0	316	100.0

* Excludes cases in which proceedings were adjourned sine die

Table 7

Union Distribution of Certification Applications Received and Disposed of
Fiscal Year 2008-09

Union	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Unions	742	644	396	139	109
AUTO WORKERS	0	1	0	1	0
BOILERMAKERS	1	1	1	0	0
BREWERY AND SOFT DRINK WORKERS	3	4	3	0	1
BRICKLAYERS INTERNATIONAL	5	3	2	0	1
CANADIAN AUTO WORKERS	29	27	15	9	3
CANADIAN EDUCATIONAL WORKERS	1	0	0	0	0
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	52	49	25	14	10
CARPENTERS	92	75	51	10	14
CHRISTIAN LABOUR ASSOCIATION	21	16	13	2	1
CLOTHING AND TEXTILE WORKERS	7	6	5	1	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	5	2	2	0	0
ELECTRICAL WORKERS (IBEW)	36	29	23	5	1
FOOD AND COMMERCIAL WORKERS	40	40	21	16	3
GRAPHIC COMMUNICATION UNION	1	1	0	1	0
HOTEL EMPLOYEES	2	2	0	1	1
INDEPENDENT LOCAL UNION	0	1	0	0	1
INTERNATIONAL OPERATING ENGINEERS	20	22	9	3	10
LABOURERS	206	151	97	24	30
MACHINISTS	11	12	5	6	1
NEWSPAPER GUILD	1	0	0	0	0
OFFICE AND PROFESSIONAL EMPLOYEES	4	6	4	1	1
ONTARIO NURSES ASSOCIATION	13	14	12	1	1
ONTARIO PUBLIC SERVICE EMPLOYEES	14	13	11	1	1
ONTARIO SECONDARY SCHOOL TEACHERS	1	1	1	0	0
PAINTERS	32	25	17	5	3
PLASTERERS	4	2	2	0	0
PLUMBERS	18	15	10	2	3
RETAIL WHOLESALE EMPLOYEES	11	9	0	3	6
SERVICE EMPLOYEES INTERNATIONAL	19	17	11	4	2
SHEET METAL WORKERS	11	24	15	3	6
STRUCTURAL IRON WORKERS	11	11	9	0	2
TEACHERS FEDERATION	1	1	0	0	1
TEAMSTERS	34	33	18	13	2
THEATRICAL STAGE EMPLOYEES	4	5	1	2	2
TRANSIT UNION (INTL.)	1	1	1	0	0
UNITED STEELWORKERS	19	17	9	7	1
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	12	8	3	4	1

*Includes cases which were closed for administrative purposes

Table 8

Industry Distribution of Certification Applications Received and Disposed of Fiscal Year 2008-09

Industry	Number of Applications Received	Number of Applications Disposed of			
		Total	Certified	Dismissed*	Settled**
All Industries	742	644	396	139	109
Manufacturing	19	19	11	7	1
CHEMICALS	1	2	2	0	0
FABRICATED METALS	2	2	2	0	0
FOOD, BEVERAGES	7	7	4	2	1
PAPER	1	1	0	1	0
PRINTING, PUBLISHING	1	1	0	1	0
RUBBER, PLASTICS	2	1	0	1	0
WOOD	1	1	1	0	0
OTHER MANUFACTURING	4	4	2	2	0
Non-Manufacturing	723	625	385	132	108
ACCOMMODATION, FOOD SERVICES	10	9	4	2	3
CONSTRUCTION	364	293	198	29	66
EDUCATION, RELATED SERVICES	7	5	3	0	2
FINANCE, INSURANCE CARRIERS	0	1	0	0	1
HEALTH, WELFARE SERVICES	28	28	16	8	4
HOSPITAL	6	5	2	3	0
LOCAL GOVERNMENT	0	1	0	0	1
MINING, QUARRYING	1	1	1	0	0
PERSONAL SERVICES	1	1	0	1	0
REAL ESTATE, INSURANCE AGENCIES	1	1	1	0	0
RECREATIONAL SERVICES	4	4	1	2	1
RETAIL TRADE	1	1	1	0	0
STORAGE	1	1	1	0	0
TRANSPORTATION	4	5	1	2	2
WHOLESALE TRADE	1	0	0	0	0
OTHER SERVICES	237	222	139	66	17
OTHER NON-MANUFACTURING	57	47	17	19	11

*Includes cases which were closed for administrative purposes

**Excludes cases in which proceedings were adjourned sine die

Table 9

Size of Bargaining Units in Certification Applications Granted
Fiscal Year 2008-09

	Total		Construction **		Non-Construction	
Employee Size *	Number of Applications	Number of Employees	Number of Applications	Number of Employees	Number of Applications	Number of Employees
Total	390	10,315	203	1,705	187	8,610
2-9 employees	213	961	164	689	49	272
10-19 employees	70	972	23	311	47	661
20-39 employees	47	1,223	12	306	35	917
40-99 employees	39	2,410	3	174	36	2,236
100-199 employees	15	1,958	0	0	15	1,958
200-499 employees	4	1,133	1	225	3	908
500 employees or more	2	1,658	0	0	2	1,658

* Refers to the total number of employees in one or more bargaining units certified in an application. A total of 413 bargaining units were certified in the 409 applications in which certification was granted.

** Refers to cases processed under the construction industry provisions of the Act. This figure should not be confused with the figure in Table 10, which includes all applications involving construction employers whether processed under the construction industry provisions of the Act or not.

Table 10

Time Required to Process Certification Applications Granted *

Fiscal Year 2008-09

	Total Certified		Non-Construction		Construction	
Working Days (including adjourments requested by the parties)	Number	Cumulative Percent	Number	Cumulative Percent	Number	Cumulative Percent
Total	396	100.0	189	100.0	207	100.0
Under 8 days	97	24.5	0	0.0	97	46.9
8-14 days	84	45.7	68	36.0	16	54.6
15-21 days	67	62.6	58	66.7	9	58.9
22-28 days	32	70.7	21	77.8	11	64.3
29-35 days	21	76.0	13	84.7	8	68.1
36-42 days	13	79.3	5	87.3	8	72.0
43-49 days	6	80.8	0	87.3	6	74.9
50-56 days	10	83.3	5	89.9	5	77.3
57-63 days	10	85.9	6	93.1	4	79.2
64-70 days	4	86.9	1	93.7	3	80.7
71-77 days	0	86.9	0	93.7	0	80.7
78-84 days	7	88.6	4	95.8	3	82.1
85-91 days	3	89.4	0	95.8	3	83.6
92-98 days	0	89.4	0	95.8	0	83.6
99-105 days	2	89.9	0	95.8	2	84.5
106-126 days	2	90.4	0	95.8	2	85.5
127-147 days	5	91.7	1	96.3	4	87.4
148-168 days	2	92.2	0	96.3	2	88.4
Over 168 days	31	100.0	7	100.0	24	100.0

* Refers only to applications in which certification was granted. This table should not be confused with Table 6 which refers to all certification applications disposed of during the year regardless of the method of disposition.

Table 11

Employment Status of Employee in Bargaining Units Certified by Industry

Fiscal Year 2008-09

Industry	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	401	10,315	3	61	1	71	1	41	396	10,143
Manufacturing	**12**	**554**	**1**	**21**	**0**	**0**	**0**	**0**	**11**	**533**
CHEMICALS	2	81	1	21	0	0	0	0	1	60
FABRICATED METALS	2	56	0	0	0	0	0	0	2	56
FOOD, BEVERAGES	5	395	0	0	0	0	0	0	5	395
WOOD	1	3	0	0	0	0	0	0	1	3
OTHER MANUFACTURING	2	19	0	0	0	0	0	0	2	19
Non-Manufacturing	**389**	**9,761**	**2**	**40**	**1**	**71**	**1**	**41**	**385**	**9,610**
ACCOMODATION, FOOD SERVICES	4	64	0	0	0	0	1	41	3	23
CONSTRUCTION	200	1,670	1	3	0	0	0	0	199	1,667
EDUCATION, RELATED SERVICES	3	77	0	0	0	0	0	0	3	77
HEALTH, WELFARE SERVICES	16	550	0	0	0	0	0	0	16	550
HOSPITAL	2	409	0	0	0	0	0	0	2	409
MINING, QUARRYING	1	20	0	0	0	0	0	0	1	20
REAL ESTATE, INSURANCE AGENCIES	1	3	0	0	0	0	0	0	1	3
RECREATIONAL SERVICES	1	15	0	0	0	0	0	0	1	15
RETAIL TRADE	1	5	0	0	0	0	0	0	1	5
STORAGE	1	37	0	0	0	0	0	0	1	37
TRANSPORTATION	1	5	0	0	0	0	0	0	1	5
OTHER SERVICES	141	6611	1	37	1	71	0	0	139	6504
OTHER NON-MANUFACTURING	17	295	0	0	0	0	0	0	17	295

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Table 12

Employment Status of Employees in Bargaining Units Certified by Union
Fiscal Year 2008-09

	All Units		Full-time		Part-time		Full-time & Part-time		All Employees No Exclusion Specified	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	401	10,315	3	61	1	70	1	41	396	10,143
BOILERMAKERS	1	37	0	0	0	0	0	0	1	37
BREWERY AND SOFT DRINK WORKERS	3	26	0	0	0	0	0	0	3	26
BRICKLAYERS INTERNATIONAL	2	11	0	0	0	0	0	0	2	11
CANADIAN AUTO WORKERS	16	1277	0	0	1	70	0	0	15	1207
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	25	1,018	0	0	0	0	0	0	25	1,018
CARPENTERS	52	226	0	0	0	0	0	0	52	226
CHRISTIAN LABOUR ASSOCIATION	13	85	0	0	0	0	0	0	13	85
CLOTHING AND TEXTILE WORKERS	5	117	0	0	0	0	0	0	5	117
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION	2	52	0	0	0	0	0	0	2	52
ELECTRICAL WORKERS (IBEW)	23	136	0	0	0	0	0	0	23	136
FOOD AND COMMERCIAL WORKERS	22	929	0	0	0	0	1	41	21	888
INTERNATIONAL OPERATING ENGINEERS	10	183	1	37	0	0	0	0	9	146
LABOURERS	97	1286	1	3	0	0	0	0	96	1283
MACHINISTS	5	194	0	0	0	0	0	0	5	194
OFFICE AND PROFESSIONAL EMPLOYEES	4	56	0	0	0	0	0	0	4	56
ONTARIO NURSES ASSOCIATION	12	161	0	0	0	0	0	0	12	161
ONTARIO PUBLIC SERVICE EMPLOYEES	11	776	0	0	0	0	0	0	11	776
ONTARIO SECONDARY SCHOOL TEACHERS	1	11	0	0	0	0	0	0	1	11
PAINTERS	17	107	0	0	0	0	0	0	17	107
PLASTERERS	2	26	0	0	0	0	0	0	2	26
PLUMBERS	10	95	0	0	0	0	0	0	10	95
SERVICE EMPLOYEES INTERNATIONAL	12	563	0	0	0	0	0	0	12	563
SHEET METAL WORKERS	15	446	0	0	0	0	0	0	15	446
STRUCTURAL IRON WORKERS	9	67	0	0	0	0	0	0	9	67
TEAMSTERS	18	1761	1	21	0	0	0	0	17	1740
THEATRICAL STAGE EMPLOYEES	1	15	0	0	0	0	0	0	1	15
TRANSIT UNION (INTL.)	1	70	0	0	0	0	0	0	1	70
UNITED STEELWORKERS	9	378	0	0	0	0	0	0	9	378
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	3	206	0	0	0	0	0	0	3	206

Table 13

Occupational Groups in Bargaining Units Certified by Industry
Fiscal Year 2008-09

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Industries	401	10,315	186	2,171	0	0	5	113	0	0	210	8,031
Manufacturing	**12**	**554**	**4**	**99**	**0**	**0**	**0**	**0**	**0**	**0**	**8**	**455**
CHEMICALS	2	81	2	81	0	0	0	0	0	0	0	0
FABRICATED METALS	2	56	0	0	0	0	0	0	0	0	2	56
FOOD, BEVERAGES	5	395	1	18	0	0	0	0	0	0	4	377
WOOD	1	3	0	0	0	0	0	0	0	0	1	3
OTHER MANUFACTURING	2	19	1	0	0	0	0	0	0	0	1	19
Non-Manufacturing	**389**	**9,761**	**182**	**2,072**	**0**	**0**	**5**	**113**	**0**	**0**	**202**	**7,576**
ACCOMODATION, FOOD SERVICES	4	64	1	6	0	0	0	0	0	0	3	58
CONSTRUCTION	200	1,670	156	1,394	0	0	0	0	0	0	44	276
EDUCATION, RELATED SERVICES	3	77	0	0	0	0	2	73	0	0	1	4
HEALTH, WELFARE SERVICES	16	550	4	99	0	0	1	5	0	0	11	446
HOSPITAL	2	409	2	409	0	0	0	0	0	0	0	0
MINING, QUARRYING	1	20	0	0	0	0	0	0	0	0	1	20
REAL ESTATE, INSURANCE AGENCIES	1	3	1	3	0	0	0	0	0	0	0	0
RECREATIONAL SERVICES	1	15	1	15	0	0	0	0	0	0	0	0
RETAIL TRADE	1	5	1	5	0	0	0	0	0	0	0	0
STORAGE	1	37	0	0	0	0	0	0	0	0	1	37
TRANSPORTATION	1	5	0	0	0	0	0	0	0	0	1	5
OTHER SERVICES	141	6,611	14	134	0	0	1	22	0	0	126	6,455
OTHER NON-MANUFACTURING	17	295	2	7	0	0	1	13	0	0	14	275

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Table 14

Occupational Groups in Bargaining Units Certified by Union

Fiscal Year 2008-09

	All Groups		Production & Related		Office Clerical & Technical		Professional		Sales		Other	
	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.	Number	Empls.
All Unions	401	10,315	186	2,171	0	0	5	113	0	0	210	8,031
BREWERY AND SOFT DRINK WORKERS	3	26	0	0	0	0	0	0	0	0	3	26
BOILERMAKERS	1	37	0	0	0	0	0	0	0	0	1	37
BRICKLAYERS INTERNATIONAL	2	11	1	7	0	0	0	0	0	0	1	4
CANADIAN AUTO WORKERS	16	1277	0	0	0	0	0	0	0	0	16	1277
CANADIAN UNION OF PUBLIC EMPLOYEES (CUPE)	25	1018	1	22	0	0	1	9	0	0	23	987
CARPENTERS	52	226	37	162	0	0	0	0	0	0	15	64
CLOTHING AND TEXTILE WORKERS	5	117	1	18	0	0	0	0	0	0	4	99
CHRISTIAN LABOUR ASSOCIATION	13	85	13	85	0	0	0	0	0	0	0	0
COMMUNICATIONS, ENERGY AND PAPERWORKERS UNION OF CANADA	2	52	0	0	0	0	0	0	0	0	2	52
ELECTRICAL WORKERS (IBEW)	23	136	20	108	0	0	0	0	0	0	3	28
FOOD AND COMMERCIAL WORKERS	22	929	2	6	0	0	0	0	0	0	20	923
INTERNATIONAL OPERATING ENGINEERS	10	183	5	101	0	0	0	0	0	0	5	82
LABOURERS	97	1286	62	865	0	0	0	0	0	0	35	421
MACHINISTS	5	194	1	5	0	0	0	0	0	0	4	189
OFFICE AND PROFESSIONAL EMPLOYEES	4	56	0	0	0	0	0	0	0	0	4	56
ONTARIO NURSES ASSOCIATION	12	161	5	81	0	0	2	27	0	0	5	53
ONTARIO PUBLIC SERVICE EMPLOYEES	11	776	1	41	0	0	0	0	0	0	10	735
ONTARIO SECONDARY SCHOOL TEACHERS	1	11	0	0	0	0	0	0	0	0	1	11
PAINTERS	17	107	9	76	0	0	0	0	0	0	8	31
PLASTERERS	2	26	2	26	0	0	0	0	0	0	0	0
PLUMBERS	10	95	4	19	0	0	0	0	0	0	6	76
SERVICE EMPLOYEES INTERNATIONAL	12	563	0	0	0	0	1	13	0	0	11	550
SHEET METAL WORKERS	15	446	12	427	0	0	0	0	0	0	3	19
STRUCTURAL IRON WORKERS	9	67	5	38	0	0	0	0	0	0	4	29
TEAMSTERS	18	1761	4	69	0	0	0	0	0	0	14	1692
THEATRICAL STAGE EMPLOYEES	1	15	1	15	0	0	0	0	0	0	0	0
TRANSIT UNION (INTL.)	1	70	0	0	0	0	0	0	0	0	1	70
UNITED STEELWORKERS	9	378	0	0	0	0	0	0	0	0	9	378
OTHER UNIONS, INCLUDING EMPLOYEE ASSOCIATIONS	3	206	0	0	0	0	1	64	0	0	2	142

Table 15

CERTIFICATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2008 AND MARCH 31, 2009

Number of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 08/09											
Industrial	2	285	9	6	0	3	1	1	0	0	**307**
Construction	0	0	4	3	0	2	0	0	0	0	**9**
Total	**2**	**285**	**13**	**9**	**0**	**5**	**1**	**1**	**0**	**0**	**316**

Percentage of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
Industrial	0.65%	92.83%	2.93%	1.95%	0.00%	0.98%	0.33%	0.33%	0.00%	0.00%
Construction	0.00%	0.00%	44.44%	33.33%	0.00%	22.22%	0.00%	0.00%	0.00%	0.00%
Total	0.63%	90.19%	4.11%	2.85%	0.00%	1.58%	0.32%	0.32%	0.00%	0.00%

Summary
Percentages of votes held within

	5 days or less	7 days or less	10 days or less
Industrial	93.49%	98.37%	99.67%
Construction	0.00%	77.78%	100.00%
Total	90.82%	97.78%	99.68%

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16A

New Certification Applications Received By Quarter, April 1, 1999 to March 31, 2009

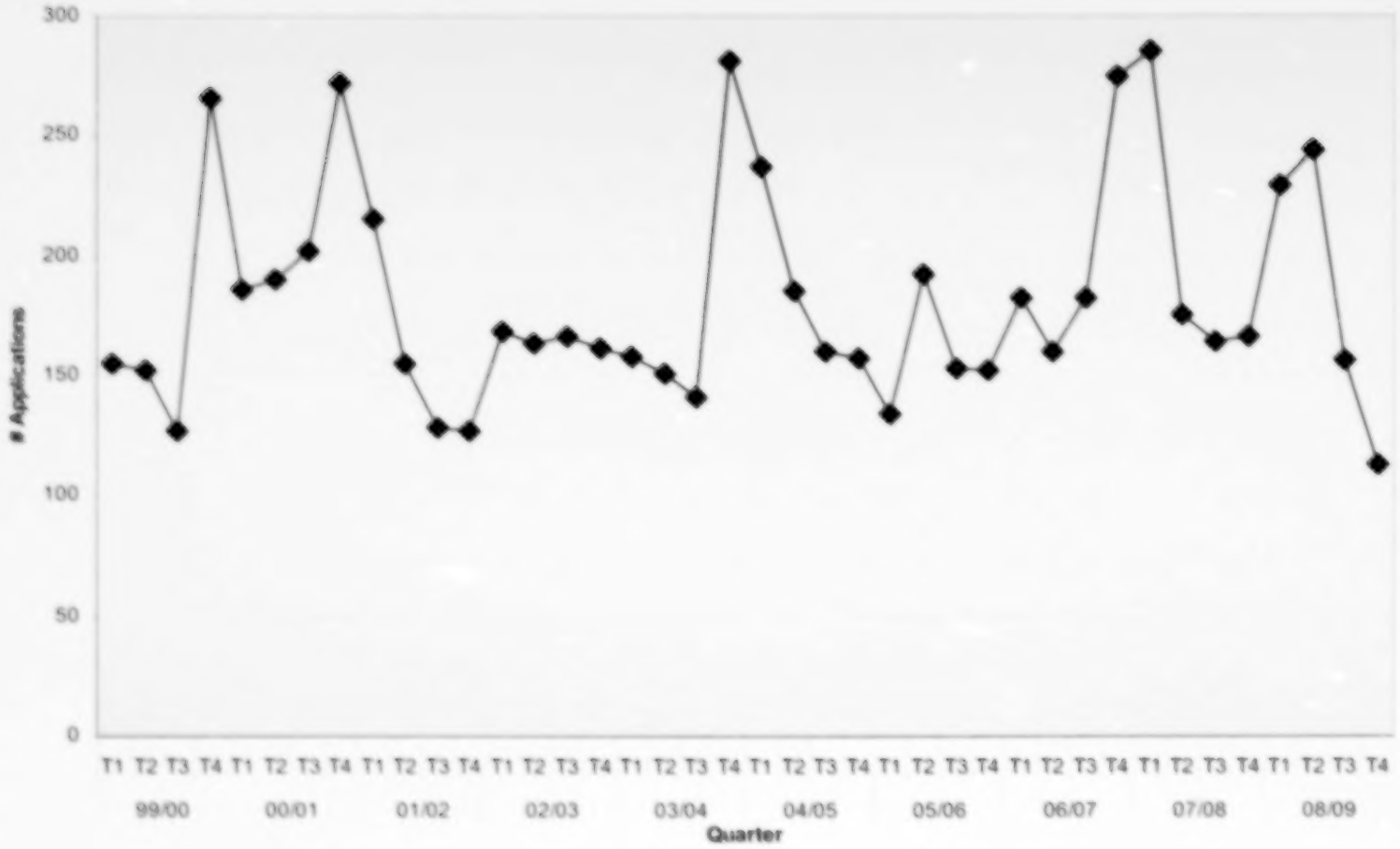

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Table 16

NEW CERTIFICATION APPLICATIONS RECEIVED

By Quarter, April 1, 1999 to March 31, 2008

Fiscal Year	1st	2nd	3rd	4th	Total
99/00	155	152	127	266	700
00/01	186	190	202	272	850
01/02	215	155	128	127	625
02/03	168	163	166	161	658
03/04	158	151	141	281	731
04/05	237	185	160	157	739
05/06	134	192	153	152	631
06/07	182	160	182	275	799
07/08	285	175	164	166	790
08/09	229	244	156	113	742
Total	**1949**	**1767**	**1579**	**1970**	**7265**

Table 17

TERMINATION CASES TO VOTE, WITH APPLICATION DATES BETWEEN APRIL 1, 2008 AND MARCH 31, 2009

Number of Cases
Number of Days between application date and date vote held

	Under 5	5	6	7	8	9	10	11-15	16-20	Over 20	Total
Fiscal 08/09	2	25	6	3	3	3	1	3	0	0	46

Percentage of Cases
Number of Days between application date and date vote held

Under 5	5	6	7	8	9	10	11-15	16-20	Over 20
4.35%	54.35%	13.04%	6.52%	6.52%	6.52%	2.17%	6.52%	0.00%	0.00%

Summary
Percentages of votes held within

5 days or less	7 days or less	10 days or less
58.70%	78.26%	93.48%

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18A

New Termination Applications Received By Quarter, April 1, 1999 to March 31, 2009

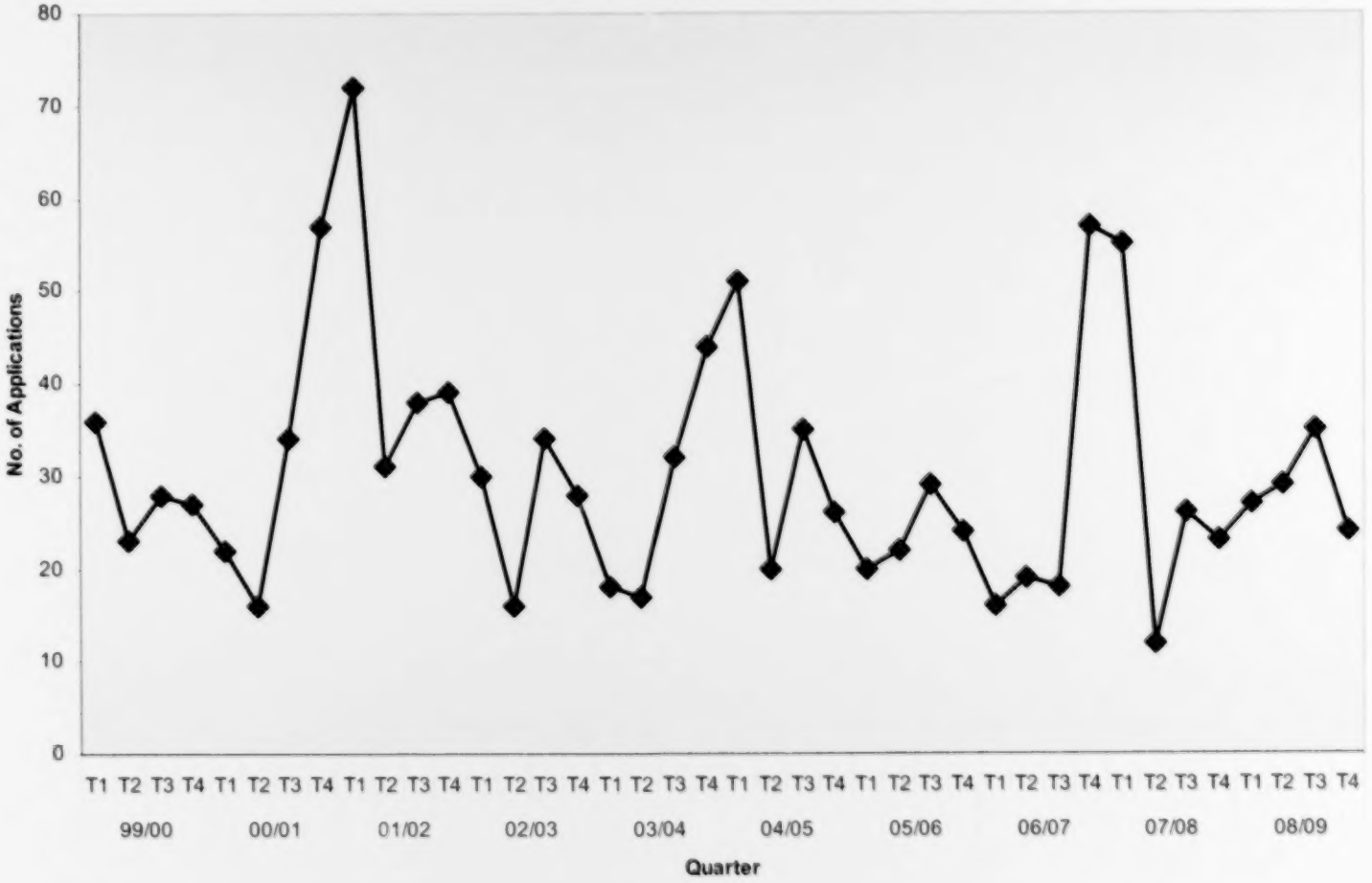

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Table 18

NEW TERMINATION APPLICATIONS RECEIVED

By Quarter, April 1, 1999 to March 31, 2009

Fiscal Year	1st	2nd	3rd	4th	Total
99/00	36	23	28	27	114
00/01	22	16	34	57	129
01/02	72	31	38	39	180
02/03	30	16	34	28	108
03/04	18	17	32	44	111
04/05	51	20	35	26	132
05/06	20	22	29	24	95
06/07	16	19	18	57	110
07/08	55	12	26	23	116
08/09	27	29	35	24	115
Total	**347**	**205**	**309**	**349**	**1210**

19A

New Unfair Labour Practice Applications Received By Quarter, April 1, 1999 to March 31, 2009

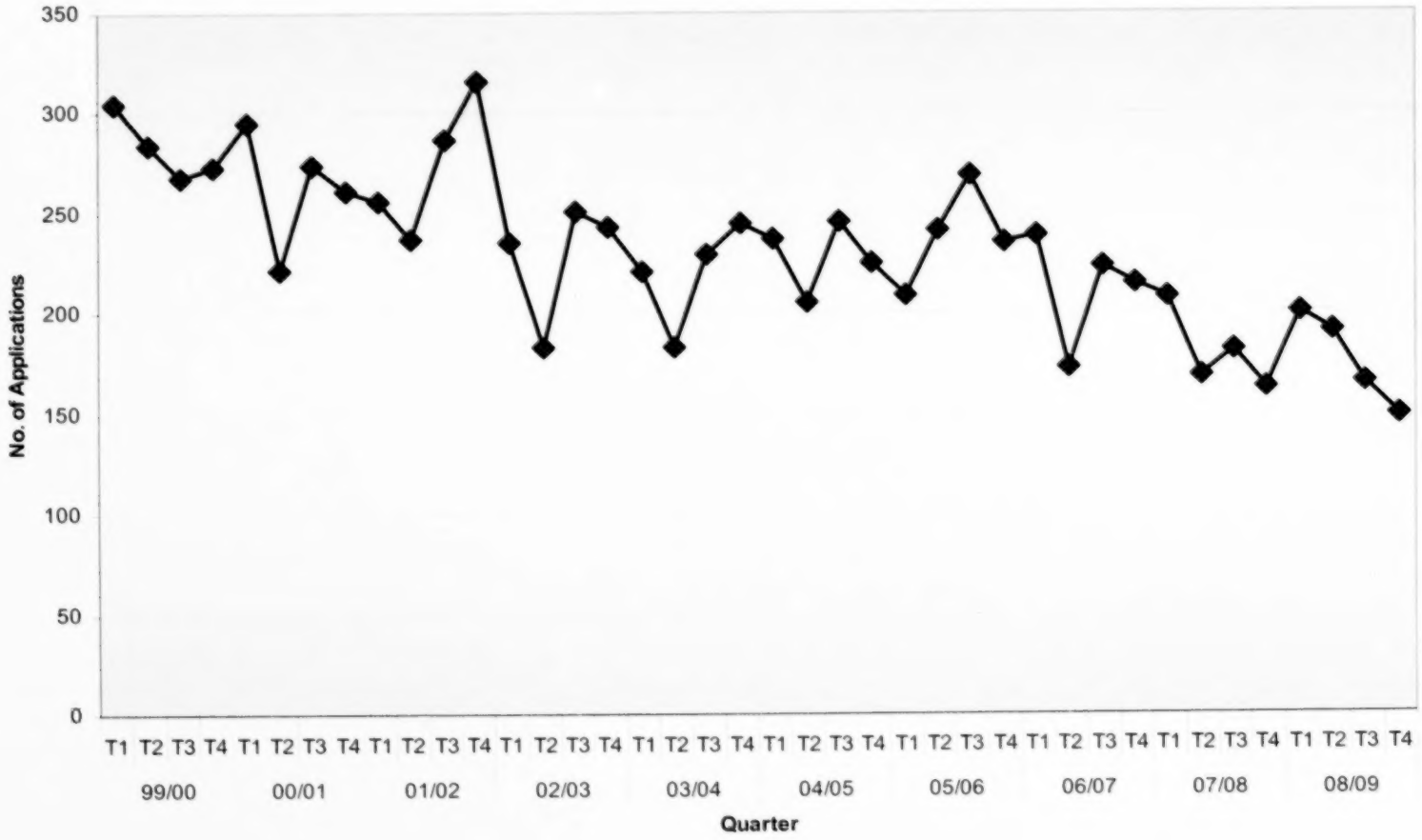

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Table 19

NEW UNFAIR LABOUR PRACTICE APPLICATIONS RECEIVED

By Quarter, April 1, 1999 to March 31, 2009

Fiscal Year	1st	2nd	3rd	4th	Total
99/00	305	284	268	273	1130
00/01	295	222	274	261	1052
01/02	256	237	287	316	1096
02/03	235	183	251	243	912
03/04	221	183	229	245	878
04/05	237	205	246	225	913
05/06	209	241	269	235	954
06/07	239	173	223	215	850
07/08	208	169	181	163	721
08/09	200	191	165	149	705
Total	**2405**	**2088**	**2393**	**2325**	**9211**

20A

New Construction Industry Grievances Applications Received By Quarter, April 1, 1999 to March 31, 2009

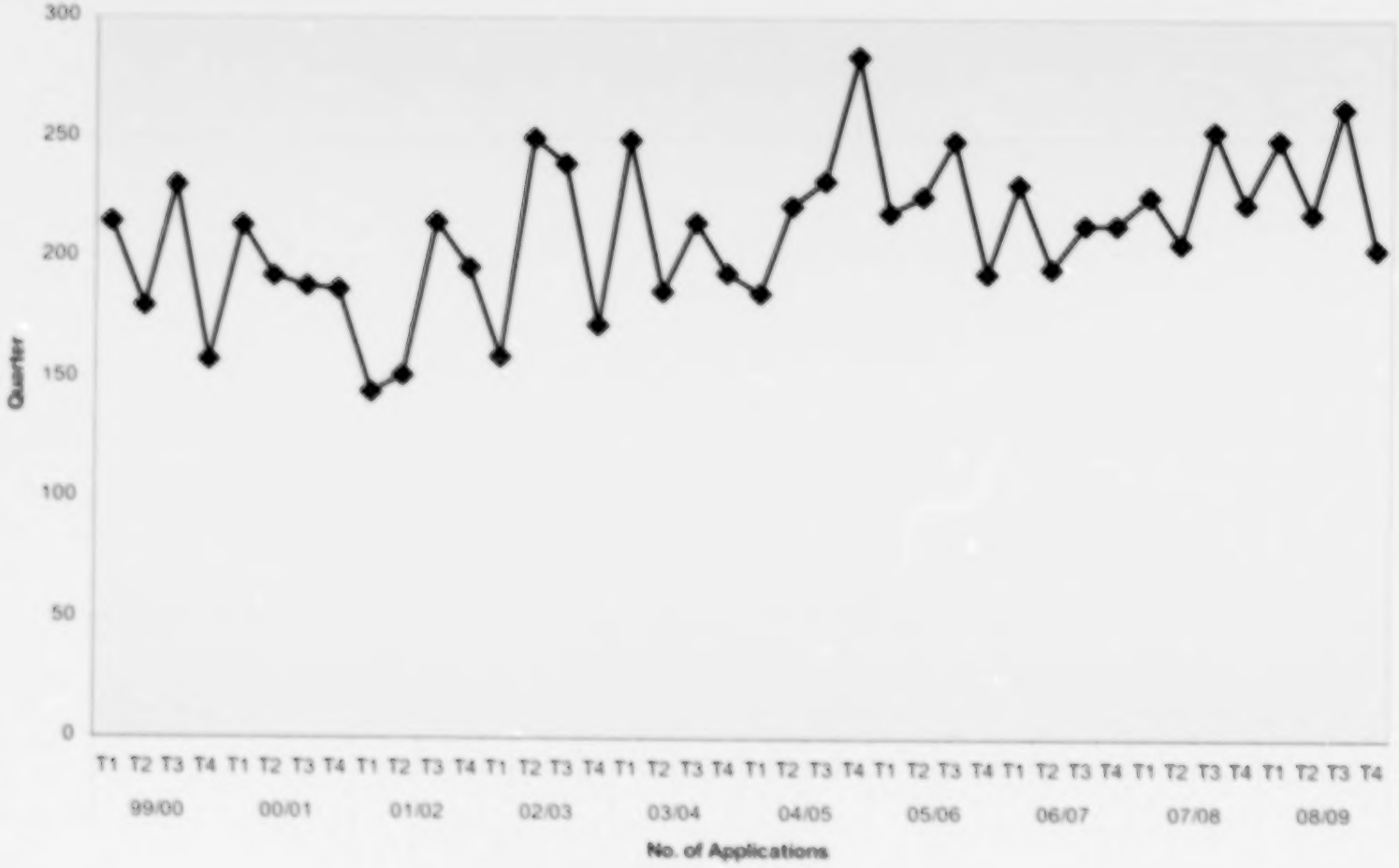

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Table 20

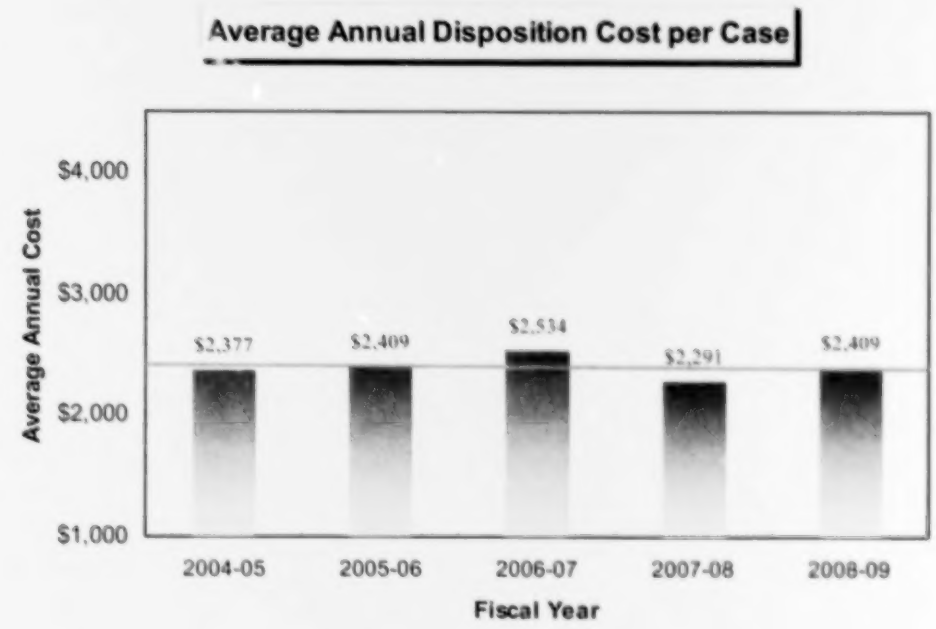
NEW CONSTRUCTION INDUSTRY GRIEVANCE APPLICATIONS RECEIVED

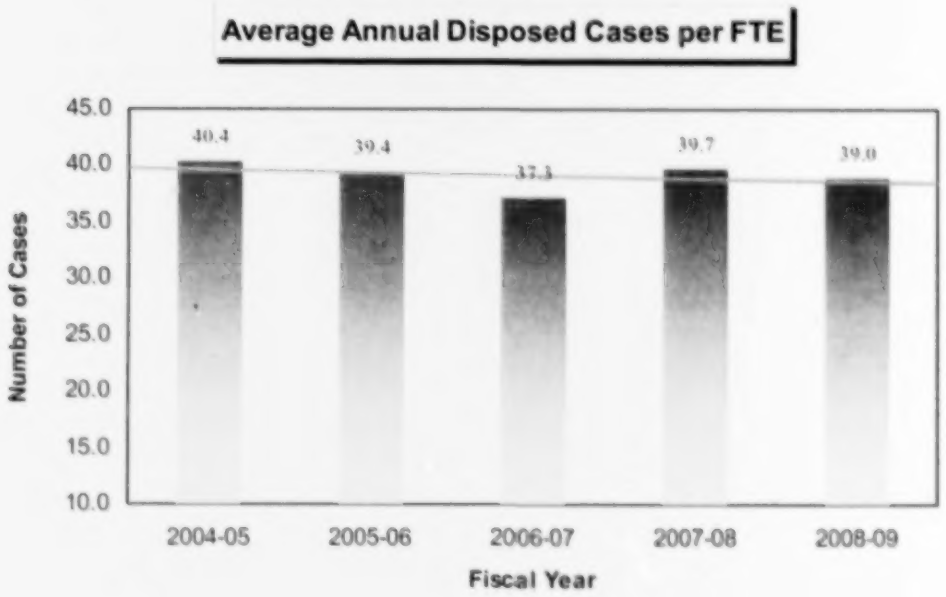
By Quarter, April 1, 1999 to March 31, 2009

Fiscal Year	1st	2nd	3rd	4th	Total
99/00	215	180	230	157	782
00/01	213	192	188	187	780
01/02	144	151	215	196	706
02/03	159	250	239	172	820
03/04	249	186	215	194	844
04/05	185	222	232	284	923
05/06	219	226	249	194	888
06/07	231	196	214	214	855
07/08	226	206	253	223	908
08/09	250	219	263	204	936
Total	**2091**	**2028**	**2298**	**2025**	**8442**

OLRB Case Management Efficiencies 2004-2009

Each year the Board undertakes an analysis of its case management efficiencies and reports back on its annual disposition costs. The analysis reviews the number of cases disposed of per FTE (full time employee) and the average annual cost per case calculations and compares the results against the previous fiscal years.





III OLRB – Measuring Performance – Achieving Goals

Each year the OLRB provides a broad accountability of progress achieved on our core performance measures. We take each of our goals and track progress on a series of performance measures designed to assess whether the Board is measuring up to corporate standards and program targets/commitments.

Measure	Standard / Target	2008-2009 Commitments	2008-2009 Achievements
Fiscal Measures: **% variance between year end allocation expenditure**	Less than 2% variance between year end allocation and expenditure	Less than 2% variance between year end allocation and expenditure	**Actual:** **+ 2.0 % variance** Approved budget = 12, 635.2 Actual expenditure = 12, 382.1
Program Effectiveness Measures: Meeting legislated time lines	90% Industrial cert. votes held within 5-7 days. 95% held within 7-10 days 5% or less held within more than 10 days	90% cert. votes held within 5-7 days. 95% held within 7-10 days 5% or less held within more than 10 days	**Actual:** **98 %** of votes held within 5-7 days or less **99 %** of votes held within 7-10 days or less **1 %** of votes held in more than 10 days
% of LRA cases settled by mediation % of ES and HS appeal cases settled by mediation	85% of LRA cases settled through mediation ES cases = 75% HS cases = 75%	85% of LRA cases settled through mediation ES cases = 75% HS cases = 75%	**Actual:** **87%** *Based on completed case activity in certification/ unfair labour practices/grievances. **Actual:** **78.0%** - ESA appeals **92.0%** - OHSA appeals
% of judicial reviews upheld	90-100% of judicial reviews upheld Board decision	90-100% of judicial reviews upheld Board decision	**Actual:** **100%** *Based on 15 disposed cases: 0 - granted 12 - dismissed, 3 - abandoned 0 - withdrawn

IV OLRB - Financial Performance – Managing the Dollars

The OLRB is established as an independent administrative tribunal, and operates at arm's length from the Ministry of Labour. However, from a budgetary perspective, the OLRB is an Adjudicative Agency accountable to the Minister of Labour. The Board's annual operating budget is part of the Ministry's estimates and allocation process and the Board is required to report quarterly on its expenditures and planned commitments.

The Deputy Minister of Labour has delegated authority for specific financial and administrative transactions to the Chair of the Board, the Director and Managers.

The OLRB is subject to audit review and expenditure constraints and its managers are accountable for following established management practices and using public resources for authorized purposes.

Fiscal Year – 2007/2008

All figures in $000.0 thousand

Account	Final Budget	Total Actual Expenditure	Variance	% of Variance	Explanation
Salaries & Wages	8,221.4	8,170.	51.4	0.6%	
Benefits	1,058.3	1,048.9	9.4	0.9%	
Transp. & Comm.	593.5	563.8	29.7	5.0%	Reduced travel costs
Services (incl. Lease)	2,641.2	2,513.2	128.0	4.8%	
Supplies & Equipment	120.8	86.2	34.6	28.7%	Constraints applied
Total ODOE	3,355.5	3,163.2	192.3	5.7%	
Total ***	**12,635.2**	**12,382.1**	**253.1**	**2.0%**	***Constraint target achieved***

***Savings used to offset costs/expenditures**

Revenues Generated From:	Forecast	Total Actual Revenue	Variance	% of Variance	Explanation
Construction Grievances	400.0	420.1	+20.1	5%	Higher activity levels in construction industry
Subscriptions	34.0	32.6	(1.4)	(4%)	
Total	**435.0**	**452.7**	**17.7**	**4%**	